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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,669	02/27/2004	Norman Paul Jouppi	200315363-1	7567
22879	7590	02/23/2010		
HEWLETT-PACKARD COMPANY			EXAMINER	
Intellectual Property Administration			OLSEN, LIN B	
3404 E. Harmony Road				
Mail Stop 35			ART UNIT	PAPER NUMBER
FORT COLLINS, CO 80528			3661	
			NOTIFICATION DATE	DELIVERY MODE
			02/23/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/789,669	<b>Applicant(s)</b> JOUSSI, NORMAN PAUL
	<b>Examiner</b> LIN B. OLSEN	<b>Art Unit</b> 3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 November 2009.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3,6,7,9,10,12,13,15,16,18-22,24 and 26-37 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-3,6,19-22,24,26,27,29,33 and 35 is/are allowed.

6) Claim(s) 7 and 13 is/are rejected.

7) Claim(s) 9-10, 12, 15-16, 18, 28, 30-32, 34 and 36-37 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No./Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No./Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to the filing on November 13, 2009 of response to the Office Action of August 19, 2009. The application current contains 29 claims with claims 1, 7, 13 and 19 being independent.

#### ***Response to Arguments***

Applicant's arguments, see Pages 10 -15, filed November 13, 2009 with respect to Rejections under 35 USC 112 1<sup>st</sup> and 2<sup>nd</sup> paragraphs and 35 USC 103 citing various combinations of references have been fully considered and are persuasive. The rejections of the claims have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of 35 USC 112 2<sup>nd</sup> paragraph on claims 7 and 13.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite that the wireless control is lost "for a period of time" (7) and "a non-zero amount of time" (13) with no specificity of the lower limit to such a period. Given that these claims have been distinguished over references that take action "on detecting" a wireless loss of control, and that claim 13 is recited in conjunction with a computer/transceiver system, where time could be measured in clock

pulses, such that a non-zero amount of time could approach zero time very closely, the recital is deemed insufficiently distinct.

***Allowable Subject Matter***

Claims **1-3, 6, 9, 19-22, 24, 26-27, 29, 33 and 35** are allowed over the cited prior art..

Claims **7 and 13** would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims **9-10, 12, 15-16, 18, 28, 30-32, 34, 36 and 37** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The prior art does not teach or reasonably imply that in a method of controlling a mobile device, a surrogate should be moved under wireless control. Further, that while moving, the surrogate detects unsuitable degradation of the wireless communications making the wireless control possible. This detecting is accomplished by comparing a wireless communications' performance parameter with a threshold. Finally, the surrogate, while still receiving the wireless communications, but having detected the degradation, autonomously moves itself to provide a suitable wireless communication environment for the wireless control. In a further embodiment, in moving to provide a suitable wireless communication environment, the surrogate autonomously moves to an area

where adequate coverage was previously experienced but which is not currently receiving adequate coverage and waits in that area until adequate coverage of the wireless control is regained.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach or reasonably imply that in a method of controlling a mobile telepresence device, a surrogate should be moved under wireless control. Further, that when the wireless control is lost, and after the loss has persisted for at least a set period of time, the surrogate moves autonomously to an area with adequate wireless coverage to regain wireless control. While moving autonomously the surrogate activates a human perceptible indicator that humans in the presence of the surrogate can perceive. In another embodiment, the surrogate includes a computer/transceiver determines that the wireless control has been lost for at least a set period of time and moves the surrogate to regain wireless control.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN B. OLSEN whose telephone number is (571)272-9754. The examiner can normally be reached on Mon - Fri, 8:30 -5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin B Olsen/  
Examiner, Art Unit 3661

/Thomas G. Black/  
Supervisory Patent Examiner, Art Unit 3661